

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Civil Action No. 4:20-cv-230-FL

DANIEL J. WILLIS,

Plaintiff,

v.

JONES COUNTY BOARD OF
ELECTIONS and THE NORTH
CAROLINA STATE BOARD OF
ELECTIONS,

Defendants.

**STATE BOARD'S
MOTION TO DISMISS**

Fed. R. Civ. P. 12(b)(1) & (6)

NOW COMES the Defendant North Carolina State Board of Elections (“State Board”), through undersigned counsel to move to dismiss Plaintiff’s Complaint pursuant to Fed. R. Civ. P. 12(b)(1), (2) & (6). Specifically, this Court lacks subject matter jurisdiction, personal jurisdiction, and the Amended Complaint fails to state a claim upon which relief can be granted. In support of the motion, Defendant files a Memorandum of Law, affidavit, and exhibits herewith.

Respectfully submitted this the 18th day of February, 2021.

JOSHUA H. STEIN
Attorney General

/s/ Terence Steed
Terence Steed
Special Deputy Attorney General
N.C. State Bar No. 52809
E-mail: tsteed@ncdoj.gov

Paul M. Cox
Special Deputy Attorney General
N.C. State Bar No. 49146
E-mail: pcox@ncdoj.gov

Special Litigation Section
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
Telephone: (919) 716-6567
Facsimile: (919) 716-6761
Attorneys for State Board

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the **STATE BOARD'S MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will automatically send electronic notice to all counsel of record, and on February 19, 2021, I mailed a copy of same via U.S. Postal Service addressed as follows:

Daniel J. Willis
105 Cherry St.
Trenton, NC 28585

Respectfully submitted this the 18th day of February, 2021.

/s/ Terence Steed
Terence Steed
Special Deputy Attorney General